

MEMORANDUM

TO: Commissioners

FROM: Philip E. Stutzman, Director of Compliance

DATE: January 16, 2003

SUBJECT: Brief Enforcement Hearing Moved to Full Commission Hearing
John Potter, Case #03-128
Alleged Failure to File 7 day Pre-General Election C-4 Report

A brief enforcement hearing was scheduled for December 11, 2002, for John Potter, PDC Case No. 03-128. The Presiding Officer, Chair Mike Connelly, asked that the case be heard by the full Commission.

Brief Summary of Case –

Respondent: John Potter
Case No.: 03-128
Office Sought: State Representative
Jurisdiction: Legislative District 11
Prior Violations: Three
Description of Prior Violations:

Case #00-078 - In 1999, John Potter was found to have violated RCW 42.17.050 and 42.17.240 by failing to file a Candidate Registration (PDC form C-1) and Personal Financial Affairs Statement (PDC form F-1). He was assessed a penalty of \$500 with \$450 suspended if the missing reports were filed within 30 days. For each month the reports were not filed, the penalty increased by \$50 until the penalty reached \$500. The outstanding penalty of \$500 has been sent to the Attorney General's Office for collection and has not been paid.

Case #03-029 – On October 2, 2002, an enforcement hearing was held before the full Commission and John Potter was found to have violated RCW 42.17.240 by failing to file a Personal Financial Affairs Statement within two weeks of becoming a candidate in the 2002 election for State Representative in the 11th Legislative District. The Commission assessed a penalty of \$1,000. The case was sent to the Attorney General's Office on January 9, 2003 for collection. The F-1 has not been filed.

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Case #03-052 – On October 2, 2002, a brief enforcement hearing was held and John Potter was found to have violated RCW 42.17.080 by failing to timely file the report of contributions and expenditures (PDC form C-4) that was due 7 days before the 2002 primary election. The Presiding Officer assessed a penalty of \$500. The case was sent to the Attorney General's Office on January 9, 2003 for collection. The missing report has not been filed.

Description of Case No. 03-128: A Brief Enforcement Hearing was scheduled for December 11, 2002 to determine whether John Potter violated RCW 42.17.080 and 42.17.090 by failing to timely file the report of contributions and expenditures (PDC form C-4) that was due 7 days before the 2002 general election, by October 29, 2002.

At the hearing, Presiding Officer Michael Connelly declined to hear the case and referred it to the full Commission. On December 18, 2002, Mr. Potter was supplied with blank forms and was asked to file the missing report. The missing report has not been filed. Mr. Potter appeared on the general election ballot and lost the election. Enclosed are copies of Mr. Potter's Declaration of Candidacy and Candidate Registration form for his 2002 candidacy.